

REMARKS

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 1-6, 8 and 10-19 were pending. Claims 1-19 are presented in the format required for reissue applications, e.g., with reference to the original claims of the patent. See 37 C.F.R. §§ 1.121(i) and 1.173

The status of claims in this application is as follows:

Claim	Status
Claim 1	Original, unamended
Claim 2	Original, unamended
Claim 3	Original, unamended
Claim 4	Original, unamended
Claim 5	Original, unamended
Claim 6	Original, unamended
Claim 7	Canceled
Claim 8	Original, unamended
Claim 9	Canceled
Claim 10	Original, unamended
Claim 11	Original, amended by paper dated June 12, 2001 and amended herein
Claim 12	Original, amended to independent form by paper dated June 12, 2001
Claim 13	Original, amended by paper dated June 12, 2001 and amended herein
Claim 14	Original, amended by paper dated June 12, 2001 and amended herein
Claim 15	Original, unamended
Claim 16	New, added by paper dated June 12, 2001 and amended herein
Claim 17	New, added by paper dated June 12, 2001 and amended herein
Claim 18	New, added by paper dated June 12, 2001 and amended herein
Claim 19	New, added by paper dated June 12, 2001 and amended herein

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims and the specification, column 4, lines 56 et seq.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 11, 13, 14, and 16-19 stand rejected under 35 U.S.C. §112, first paragraph on the grounds set forth in paragraph 1 of the Official Action.

By the present response, applicants have amended claims 11, 13, 14, and 16-19 in a manner which addresses the above-noted rejection and in agreement with the description in the specification at column 4, lines 56 et seq. Specifically, the slide fit is now described as connecting a tool body with the cutting portion with a slide fit to an elastically deflecting portion of the tool body (Claim 11), mating a dovetail-shaped projection with the dovetail-shaped recess with a slide fit elastically deflecting said projections and releasably connecting the drilling head to the drill body (Claim 13), forming a slide fit between the drilling head and the drill body by elastic deflection of said projections (Claim 14), and transferring the projections from the respective flutes into the recesses with a slide fit (Claims 16 and 18), wherein the slide fit produces elastic deflection of the projections (Claim 17 and 19).

Reconsideration and withdrawal of the rejection is respectfully requested.

OBJECTION TO THE REISSUE OATH/DECLARATION

The reissue oath/declaration is objected to in paragraph 3 of the Official Action as allegedly defective for (a) failing to identify at least one error relied upon to support the reissue and (b) not pointing out in the declaration the differences between new claims 16-19 and the original claims. Applicants have submitted herewith a Supplemental Declaration in Support of Reissue to address issue (a) and respectfully traverse issue (b).

The Supplemental Declaration in Support of Reissue now identifies three errors, at least one of which supports the reissue.

At paragraph 7 of the Supplemental Declaration, Applicants have identified claims 7 and 9 as duplicative of claim 5. At paragraph 8 of the Supplemental Declaration, Applicants have identified DE 94340 as containing features, e.g., see Figures 1, 4 and 6, that render at least one original issued claim invalid, e.g., claim 11. At paragraph 9 of the Supplemental Declaration, Applicants have identified additional features in the original patent that support the reissue. Namely, Applicants have introduced new claims 16-19 of intermediate scope to provide claim positions against possible invalidation of the broader claims of the patent. See, Hewlett-Packard Co. v. Bausch & Lomb, Inc., 882 F.2d 1556 (Fed. Cir. 1989). Based on the above, the withdrawal of this objection is respectfully requested

With respect to issue (b), Applicants respectfully note that there is no known statutory basis requiring the Applicants to point out in the declaration the differences between new claims in a reissue application and the original claims. The withdrawal of this objection, or an appropriate citation to the statutory basis for such a requirement, is respectfully requested.

From the above, Applicants respectfully assert that the Reissue Oath/Declaration is no longer defective and respectfully request withdrawal of the objection.

CLAIM REJECTIONS UNDER 35 U.S.C. §251

Claims 1-6, 8 and 10-19 stand rejected under 35 U.S.C. §251 as being based upon an allegedly defective reissue oath/declaration. See paragraph 4 of the Official

Action. The Supplemental Declaration in Support of Reissue currently submitted has overcome this finding and the rejection is now moot. Withdrawal of the rejection is respectfully requested.

STATUS OF ORIGINAL PATENT

Applicants acknowledge the request in paragraph 5 of the Official Action. Upon allowance of this reissue application, the original patent, or a statement of loss/inaccessibility, will be submitted.

EXAMINER INTERVIEW

Applicants appreciate the Examiner's comments made during the telephonic interview on June 3, 2004.

CONCLUSION

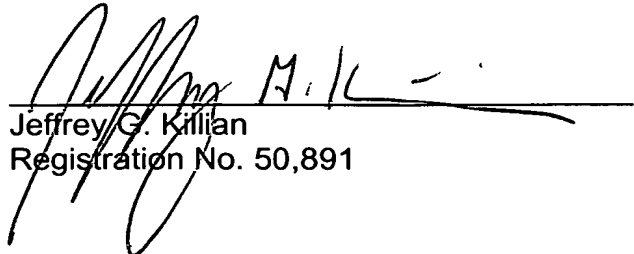
From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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